

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:23-cv-00440-BO-RJ**

MXR IMAGING, INC.

Plaintiff,

v.

**ORDER OF
DEFAULT**

EVOHEALTH LLC and STEVEN DEATON, *individually and in his capacity as Chief Executive Officer and Owner of EvoHealth, LLC,*

Defendants.

This matter comes before the Court on Plaintiff MXR Imaging, Inc.'s Motion for Default Judgment against Defendant EvoHealth LLC. Having considered the motion and supporting materials, the Court finds and orders as follows:

1. The Clerk properly entered default against EvoHealth LLC on October 3, 2023, for failure to plead or otherwise defend this action.
2. The well-pleaded allegations in MXR's complaint are deemed admitted as to EvoHealth LLC.
3. MXR has established EvoHealth LLC's liability on Counts I, II, III, and V of the complaint.
4. MXR is entitled to damages against EvoHealth LLC as follows:
 - a. \$24,500.00 for the prepayment to Carolina Donor/HonorBridge;
 - b. \$13,000.00 for the unpaid sponsorship fee for MXR's National Sales Meeting;
 - c. \$137,111.20 for unpaid dealer compensation fees;
 - d. \$15,000.00 for replacement PACS services for First Choice; and

e. \$10,000 for the settlement with CNY Family Care.

5. The total compensatory damages are \$199,611.20.

6. MXR is entitled to treble damages under N.C.G.S. § 75-16 on all amounts except the \$13,000 unpaid sponsorship fee. The treble damages amount is \$373,222.40.

7. The total damages award against EvoHealth LLC is \$572,833.60.

8. MXR is entitled to pre-judgment interest on the contract-based damages at the legal rate of 8%, which equal \$1,164.08 per month, from the date of breach (February 13, 2023) to the date of this order, and post-judgment interest as provided by 28 U.S.C. § 1961.

IT IS THEREFORE ORDERED that default judgment is entered in favor of Plaintiff MXR Imaging, Inc. and against Defendant EvoHealth LLC in the amount of \$572,833.60, plus pre-judgment and post-judgment interest as described above.

DATE

Nov. 20, 2024

TERRENCE W. BOYLE

UNITED STATES DISTRICT JUDGE